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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,977	03/16/2004	Michael J. Olesko	45039.0028	2500
57362 7590 03/13/2008 AKERMAN SENTERFITT 801 PENNSYLVANIA AVENUE N.W. SUITE 600 WASHINGTON, DC 20004				
EXAMINER WILHELM, TIMOTHY				
ART UNIT 3616		PAPER NUMBER		
MAIL DATE 03/13/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,977

Applicant(s)

OLESKO ET AL.

Examiner

Timothy D. Wilhelm

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 30-32 and 34 is/are allowed.
- 6) ☒ Claim(s) 10-29 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action was made in response to an amendment filed by Applicant on 12/10/2007.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 10-16, 21, 22, 24, 27-29, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Schutz et al (7,108,276). Schutz et al disclose a bracket for an airbag subassembly comprising a support structure 14, a base 30; an inflator opening that is positioned in an internal portion of the base 30; at least two retention members 12 that extend from said base 30 into the inflator opening, each retention member 12 having an insertion surface and a lip, a retention member 13, and a housing 20

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disposed between the base 30 and the support structure 14, wherein said retention members 12 are formed integral with said base 30, wherein said retention members 12 are adapted to extend substantially perpendicular to the base 30, and wherein the inflator opening is formed between said retention members 12, and further wherein the retention members form an arcuate surface when bent into the inflator hole.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz et al (7,108,276) in view of Berrahou et al (US 2004/0239080). Schutz et al disclose a bracket for an airbag subassembly comprising a support structure 14, which is a steering wheel armature, a base 30; an inflator opening that is positioned in an internal portion of the base 30; at least two retention members 12 that extend from said base 30 into the inflator opening, each retention member 12 having an insertion surface and a lip, a retention member 13, and a housing 20 disposed between the base 30 and the support structure 14, wherein said retention members 12 are formed integral with said base 30, wherein said retention members 12 are adapted to extend substantially perpendicular to the base 30, and wherein the inflator opening is formed between said retention members 12, and further wherein the retention members form an arcuate

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surface when bent into the inflator hole. Berrahou et al teach a bracket for an airbag subassembly comprising a base 210 formed from a material, at least two retention members 220 extending from said base 210, said retention members 220 formed integral with and from the same material as said base 210, said retention members 220 including a surface formed to define a cavity extending approximately perpendicular to said base 210, wherein said base 210 defines an inflator opening 12 between said retention members 220, said retention members further define a retention cavity and a first engagement surface and a second engagement surface within said retention cavity. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the bracket of Schutz et al with the teaching of Berrahou et al's retention members to give the retention members more contact surface area and thus better grip.

5. Claims 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz et al in view of Hodac et al (5,775,725). Schutz et al disclose the present invention except for the support structure or bracket being a horn bracket. Hodac et al teach an airbag subassembly comprising a support structure having at least two apertures 7, and a bracket having a base formed from a material and at least two retention members 3 extending from said base, said retention members adapted to extend through said apertures in said support structure, wherein the housing bracket and support structure of Hodac et al both may act as a horn bracket as they both comprise contact leads 24,33 for sounding the horn when force is applied to the housing. Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the support structure of Schutz with the teaching of Hodac et al's horn bracket to allow for a steering wheel design to be more compact.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz et al in view of Mirone (6,457,379). Schutz et al disclose the present invention except for a horn bracket between a support structure and a bracket, said horn bracket defining at least two pin receivers for allowing passage. Mirone teaches a steering wheel comprising a support structure 1, a bracket 20, and a horn bracket 7 disposed between said support structure and said bracket, said horn bracket including three pin receivers 22. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the airbag subassembly of Schutz et al with the teaching of Mirone's horn bracket to mount a horn-actuating device onto a steering wheel with particularly easy and rapid operations.

Allowable Subject Matter

7. Claims 1-9,30-32 and 34 are allowed.

Response to Arguments

8. Applicant's arguments filed 12/10/2007 have been fully considered but they are not persuasive. In view of the recently amended claims, Examiner maintains the rejections set forth in the previous office action. As can be seen in Fig. 3 of the Schutz reference, retention members extend from a base at an arcuate interface portion, which can be seen as part of the inflator opening in the base, said retention members being

arcuate in shape both at the area of the retention member that is arcuately bent down to form an angle with the base and at the outer edge of the hook at the bottom of said retention member. Regarding Applicant's claim that there is no teaching, suggestion, or motivation to combine the Schutz and Berrahou references, KSR forecloses the need for teaching, suggestion, or motivation in a reference in order to make a case of obviousness.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anne Marie M Boehler/
Primary Examiner, Art Unit 3611
/Timothy D Wilhelm/
March 2, 2008

Timothy D Wilhelm
Examiner
Art Unit 3616

TDW

Application Number**Application/Control No.**

10/801,977

Examiner

Timothy D. Wilhelm

**Applicant(s)/Patent under
Reexamination**

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